

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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DISTRICT COUNCIL NO. 9 INTERNATIONAL  
UNION OF PAINTERS AND ALLIED TRADES,  
A.F.L.-C.I.O.,

Petitioner,

-v-

HIGHLAND GLASS & METAL, INC.,

Respondent.  
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18-CV-3033 (JMF)

MEMORANDUM OPINION  
AND ORDER

JESSE M. FURMAN, United States District Judge:

On April 6, 2018, Petitioner filed a Petition to Confirm Arbitration. (Docket No. 1). On April 10, 2018, the Court set a briefing schedule for Petitioner's submission of any additional materials in support of the Petition, Respondent's opposition, and Petitioner's reply. (Docket No. 6). The Court subsequently granted Petitioner two extensions to file and serve any additional materials in support of the Petition. (Docket Nos. 9, 11). Petitioner served Respondents with the Petition, supporting materials, the briefing schedule, and the orders granting extensions. (Docket Nos. 7, 12). Petitioner subsequently filed a Motion for Summary Judgment (Docket No. 13), after twice missing the deadline to file additional materials. Nevertheless, the Court granted Petitioner a final extension, *nunc pro tunc*, to file additional materials. (Docket No. 18). Pursuant to that Order, which was served on Respondent (Docket No. 19), any opposition was due by June 19, 2018. (Docket No. 18). To date, Respondent has neither responded to the petition nor otherwise sought relief from the Award.

The Court must treat the Petition, even though unopposed, “as akin to a motion for summary judgment based on the movant’s submissions.” *Trustees for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Const. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at \*2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator’s decision provides more than “a barely colorable justification for the outcome reached.” *Id.* at \*3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award.

Accordingly, the Court grants Petitioner’s unopposed petition to confirm the entire Award.

Petitioner is directed to submit a proposed Judgment consistent with this Memorandum Opinion and Order to the Orders and Judgments Clerk of this Court by **July 11, 2018**. The Clerk of Court is directed to terminate Docket No. 13.

SO ORDERED.

Dated: June 28, 2018  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge